REMARKS/ARGUMENTS

Claims 1, 2, 4-14 and 16-21 remain in the application. Of these, claims 1-20 stand rejected, and claim 21 is new. Claims 3 and 15 have been canceled.

Claims 1, 8 and 16 have been amended to incorporate the limitations of former claim 3, and to specify that the "queries" being monitored are "Internet queries". Support for these amendments are found, at least, in former claim 3 and on page 8, lines 15-23.

Claim 4 has been amended to conform to the amendment of claim 1.

Newly added claim 21 presents former claim 4 in independent form, and specifies that the "queries" being monitored are "Internet queries".

The amendments to the claims are not believed to add new matter.

1. Rejection of Claims 1, 2, 4, 7, 8, 10, 16, 17 and 20 Under 35 USC 102(e)

Claims 1, 2, 4, 7, 8, 10, 16, 17 and 20 stand rejected under 35 USC 102(e) as being anticipated by Adar et al. (U.S. Pat. No. 6,470,269; hereinafter "Adar").

With respect to former claim 3, whose limitations have now been incorporated into claims 1, 8 and 16, the Examiner asserts:

> . . .Adar teaches monitoring user interaction while the user browses the Internet, and as described above, generating a profile for the particular user based on this monitored user interaction. As this user profile comprises information indicating how many links the user is willing to go through until he or she arrives at a desired web page, it is understood that such behavior, specifically how may [sic] links the user traverses before quitting, and ***how often the user quits***, is observed while monitoring the user. In other words, it is understood that the above-described user profile, and particularly its patience level, is generated in response to monitoring user abort time and user abort frequency, like recited in claim 3.

4/20/2005 Office Action, pp. 4-5 (emphasis added).

Applicant respectfully disagrees. Although Adar teaches the monitoring of user "clicks" for the purpose of determining how many links a user is willing to

traverse while searching for information, Adar does not, as the Examiner suggests, teach the monitoring of how often a user quits a search.

Adar's "number of clicks" is not equivalent to either a query "abort time" or a query "abort frequency". A "number of clicks" that a user makes while searching for information merely indicates a *quantity* of information that a user is willing to review. For example, a "number of clicks" does not take into account the *time* it takes the user to review different web pages providing different content. Nor does a "number of clicks" take into account the *time* it takes an internet provider to serve different web pages to the user. Applicant's claims 1, 8 and 16 are therefore believed to estimate a user's patience level in a way that is neither taught nor suggested by Adar's click-centric methods.

Applicant's amended claims 1, 8 and 16 are believed to be allowable over Adar's teachings for at least the above reasons. Applicant's claims 2, 4, 7, 10, 17 and 20 are believed to be allowable at least for the reason that they depend from applicant's claims 1, 8 or 16.

2. Rejection of Claims 1, 5, 6, 8, 9, 11-14, 16, 18 and 19 Under 35 USC 103(a)

Claims 1, 5, 6, 8, 9, 11-14, 16, 18 and 19 stand rejected under 35 USC 103(a) as being obvious over Killian (U.S. Pat. No. 6,438,592) in view of Adar et al. (U.S. Pat. No. 6,470,269; hereinafter "Adar").

The Examiner admits that Killian "does not explicitly disclose that generating the user interaction profile comprises assigning a user patience level, as is expressed in claims 1, 8, and 16." See, 4/20/2005 Office Action, p. 8. Applicant agrees. Although Killian discloses a system that receives messages regarding how web pages are being loaded by its clients, the messages are largely used as an aggregate indicator of how *web pages* are loading, thereby allowing Killian's system to adjust how it delivers the web pages to *all of its users*.

One message that is received by Killian's system is a PageUnload message, which is an indicator of whether a user elects to leave a page before it is completely downloaded. See, e.g., Killian, col. 9, lines 14-23. When the server receives such a

message (i.e., a PageUnload message), it uses the message to update an unloadTimeDistribution for the page which was unloaded. See, Killian, col. 23, lines 44-48. The unloadTimeDistribution is an aggregate distribution of PageUnloads for all clients. See, Killian, lines 44-46. Killian's system is therefore page-centric. That is, it tends to optimize the delivery of a particular web page for all users, rather than customizing the delivery of a particular web page for each user.

To cure the deficiencies of Killian's teachings, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to combine Killian's teachings with those of Adar. Specifically, the Examiner asserts that it would have been obvious to:

> . . .modify the interaction profile taught by Killian to also include the patience level taught by Adar, whereby the web site is modified based on this patience level. It would have been advantageous to one of ordinary skill to utilize such a combination because, as taught by Adar, modifying a web site based on this patience level may increase the amount of time a user spends on the web site, thus subjecting the user to further advertisements and increasing the revenues of the web site provider (for example, see column 2, line 34 – column 3, line 46).
>
> 4/20/2005 Office Action, p. 9.

Applicant respectfully disagrees. First, and as already discussed above, Killian's system is page-centric – optimizing the loading of pages for users in general, rather than optimizing the loading of pages for any particular user. Adar's teachings are largely group-centric – optimizing the loading of pages for different genders or categories of users. See, e.g., Adar's FIG. 9 and col. 7, lines 39-40. As far as applicant can ascertain, Adar provides only one brief mention that, "confidence levels could also be derived from a user profile that is created by monitoring a particular user's surfing patterns." See, Adar, col. 7, lines 44-46. Applicant believes the Examiner is relying on this one passing comment by Adar as a basis for 1) combining Killian's page-centric system with Adar's group-centric methods, and 2) reconfiguring all of Killian's and Adar's teachings for user-centric operation. Applicant does not believe this would have been obvious to one of ordinary skill in the art, and rather, the

manner in which Killian's and Adar's teachings might be combined is mere speculation by the Examiner – using applicant's own teachings as a guide.

Second, the Examiner asserts that, "it would have been advantageous to one of ordinary skill to utilize such a combination [of Killian and Adar] because, as taught by Adar, modifying a web site based on this patience level may increase the amount of time a user spends on the web site, thus subjecting the user to further advertisements and increasing the revenues of the web site provider." *Id.* Applicant disagrees.

As correctly indicated by the Examiner, Adar teaches how the modification of a web site based on a user's confidence level may increase the amount of time the user spends on the web site, thus subjecting the user to further advertisements. Killian, however, teaches how to improve the performance of page loads (see, e.g., Title and Abstract) and mentions nothing about any desire to increase the amount of time a user spends on a web site. As a result, applicant does not believe there is any similarity in the teachings of Killian and Adar that would have suggested to one of ordinary skill in the art that it would have been "advantageous" to combine their teachings. Rather, applicant believes the only advantage is that one might be able to glom the teachings of the two references together to provide a system with two distinct advantages. That is – 1) loading web pages more quickly, and 2) providing content within the web pages that encourages users to navigate to commonly-owned or partner-owned web pages. However, the mere fact that, in hindsight, it might be advantageous to combine two inventions to provide a product that offers the advantages of both does not mean that it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to combine the inventions.

Finally, and as argued in Section 1 of these Remarks / Arguments, Adar fails to teach the monitoring of query "abort times" and "abort frequencies". Killian also fails to mention the monitoring of query "abort frequencies". Although Killian does teach the monitoring of page load aborts, this is done only for the purpose of aggregating such information for all users, so as to maintain unloadTimeDistributions for particular web pages (and not for particular users).

Applicant's amended claims 1, 8 and 16 are believed to be allowable over the combined teachings of Killian and Adar for at least the above reasons. Applicant's

claims 5, 6, 9, 11-14, 18 and 19 are believed to be allowable at least for the reason that they depend from applicant's claims 1, 8 or 16.

3. New Claim 21

Claim 21 presents former claim 4 in independent form, and specifies that the "queries" being monitored are "Internet queries". Claim 21 is believed to be allowable because Adar does not disclose the identification of a user's purpose based on monitored times between a user's Internet queries. Although Adar discloses the identification of a user's purpose based on the "category" of a user's request, a "category" of a single query is quite different from the "times between" different queries. As disclosed in applicant's specification, the times between queries can be used to determine whether a user is "generally browsing" or "searching". See, e.g., specification, p. 8, lines 15-23.

4. Conclusion

In light of the above amendments and remarks, applicant requests the timely issuance of a Notice of Allowance.

Respectfully submitted,
DAHL & OSTERLOTH, L.L.P.

By: _____
Gregory W. Osterloth
Reg. No. 36,232
Tel: (303) 291-3200